

REMARKS

Claims 32-51 are pending in this application. By this Amendment, claims 1-31 are canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 32-51 are added. The specification and drawings are amended. No new matter is added.

I. Personal Interview

The courtesies extended to Applicants' representative by Examiner Ciric at the interview held September 8, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

II. Information Disclosure Statement

An Information Disclosure Statement and PTO Form 1449 are filed concurrently herewith submitting the references disclosed in the "Relevant Prior Art" section of the specification.

III. Election Restrictions

Applicants submit that all pending claims are canceled without prejudice to or disclaimer of the subject matter recited therein. New claims 32-51 read on the elected species shown in Figs. 1 and 2.

IV. Drawings

The Office Action objects to the drawings under 37 C.F.R. §1.83(a) for including features and reference characters not supported in the specification. Fig. 1 is revised in reply to the objection. Support for addition of "the building interior 31" may be found at page 11, line 1 of the originally Specification, as well as claim 1 of the original Specification. Support for the addition of "the communications link 32" may be found at page 9, line 4, and claim 6 of the originally filed Specification. Support for the evaporative cooler labeled with reference

number 33 may be found on page 8, lines 1 and 2, and claim 10, of the originally filed application. Thus, no new matter is added.

The drawings are also objected to under 37 C.F.R. §1.83(a) for failing to show features recited in the claims. As those features are either no longer recited in the claims as amended, or are now shown in the drawings, Applicants respectfully request the objection to the drawings be withdrawn.

V. Specification

The specification is objected to under 37 C.F.R. §1.32 for introducing new matter. As the specification is amended in reply to the objection, withdrawal of the objection to the specification is respectfully requested.

VI. Claim Rejections Under 35 U.S.C. §112

Claims 1, 7, 12, 14 and 16 are rejected under 35 U.S.C. §112, first paragraph. As those claims are canceled, the rejection of those claims is moot.

Claims 1, 7, 12, 14 and 16 are also rejected under 35 U.S.C. §112, second paragraph. As those claims are canceled, the rejection of those claims is moot.

VII. Claim Rejections Under 35 U.S.C. §102

Claims 1, 7, 12, 14 and 16 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 4,501,125 to Han. As those claims are cancelled, the rejection is moot.

VIII. New Claims

Applicants submit that new claims 32-51 are allowable over the applied reference of record because Han fails to disclose a system for using outside air to maintain indoor air comfort and air quality, comprising a system for using outside ventilation air to maintain indoor comfort and air quality, comprising: a sensor system for detecting outdoor and indoor air temperatures; an air delivery system for delivering the outside ventilation air to an interior space; and a controller that: receives an outdoor air temperature and an indoor air

temperature detected by the sensor system; stores the detected outdoor air temperature and the detected indoor air temperature; calculates a predicted indoor temperature range based on the stored outdoor air temperature and the stored indoor air temperature; compares the predicted indoor air temperature range to a predetermined indoor air temperature range; and regulates operation of the air delivery system based on the comparison of the predicted indoor air temperature range and the predetermined indoor air temperature range, as recited in claim 32, or the additional features recited in claims 33-51.

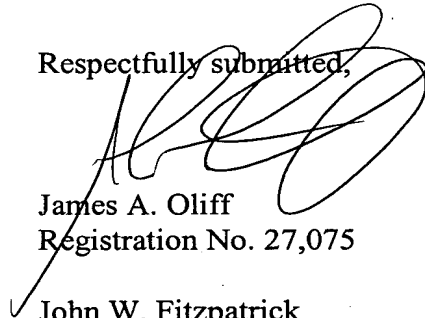
Rather, Han discloses a control for a temperature conditioning system having a plurality of stages that may be selectively energized to meet a temperature conditioning demand in a zone, and a method for controlling such a system (col. 2, lines 28-33). The controller includes a zone temperature sensor and means for selecting a zone set point temperature. The control means are connected to the temperature sensor and a set point selecting means. The control means are operative to control the temperature conditioning stages as a function of both a particular range in which the deviation of the zone temperature from the set point temperature lies, and the rate of change of the temperature in the zone as compared to the predefined limits associated with that range. However, Han fails to disclose controlling the temperature conditioning system based on a prediction of outdoor air temperature. Rather, Han merely monitors the predefined set point of the temperatures in the particular zones and selectively energizes or deenergizes one or more temperature conditioning stages to meet the demand in the particular zone (col. 2, lines 33-50). Thus, Han does not rely in any way on predictions of the air temperatures to control the temperature conditioning system. Accordingly, Applicants submit that claims 32-51 are allowable over Han.

IX. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 32-51 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

John W. Fitzpatrick
Registration No. 41,018

JAO:JWF/ldg

Attachments:

Replacement Drawing Sheet
Petition for Extension of Time
Information Disclosure Statement (IDS)
Request for Continued Examination (RCE)

Date: November 2, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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